

Notice of Allowability

Application No.

09/845,303

Examiner

Ling-Siu Choi

Applicant(s)

SHIMIZU ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment after Final filed 08/19/2005.
2. ☒ The allowed claim(s) is/are 7,9,11,13,15,17,19,21,23,25,27 and 28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is in response to the Request for Reconsideration filed August 19, 2005. Claims 1-6 were canceled and claims 7-28 are now pending.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CAR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Peter A. Veytsman on September 13, 2005.

3. The application has been amended as follows:
Cancel claims 8, 10, 12, 14, 16, 18, 20, 22, 24, and 26 without prejudice.

Allowable Subject Matter

4. Claims 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 27-28 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Art Unit: 1713

The present claims are allowable over the closest references: Mathies et al. (US 5,274,240).

A capillary array comprising	
a plurality of capillaries	each being provided with <i>a sample injection port</i> and <i>an electrophoresis medium injection port</i> for injection of an electrophoresis medium
a voltage application portion	holding the <i>sample injection ports</i> spread from one another, provided with a plurality of electrodes to be immersed in a sample liquid together with the sample injection ports
a light detection portion	the capillaries being aligned substantially on a plane
an electrophoresis medium supply portion	holding the <i>electrophoresis medium injection ports</i> in a bundle, in communication with an electrophoresis medium container

(summary of claim 1)

Mathies et al. disclose a laser-excited capillary array comprising a plurality of side-by-side capillary passages disposed in a plane of a detection area, a source of radiant energy, an objective lens for receiving and focusing the radiant energy at an excitation volume in the plane of the plurality of side-by-side capillary passages, means for moving the plurality of side-by-side capillary passages, a detection system, and computer means for receiving and processing the signal from the plurality of side-by-side capillary passages, wherein **the plurality of capillaries are separated for individual manipulation and loading** and the detection window is prepared by burning off the polyimide coating of the capillary in the detection area (col. 5,

Art Unit: 1713

lines 15-25; col. 6, lines 9-14; claim 1; Fig. 1). However, Mathies et al. do not teach or fairly suggest a capillary array comprising an electrophoresis medium supply portion which **holds the electrophoresis medium injection ports in a bundle and in communication with an electrophoresis medium container**

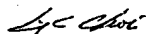
In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner=s supervisor, David Wu, can be reach on 571-272-1114.



**LING-SUI CHOI
PRIMARY EXAMINER**

September 13, 2005